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Message of the Governor of Idaho

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Governor's message 1912

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SECOND
BIENNIAL MESSAGE
OF
JOHN B. NEIL,
GOVERNOR,

TO THE TWELFTH SESSION OF THE LEGISLATIVE
ASSEMBLY OF IDAHO TERRITORY.



BOISE CITY, IDAHO
PRINTED BY MILTON KELLY.
1882.

MESSAGE.

Fellow-Citizens of the Legislative Assembly:

In obedience to the requirements of law, and in accordance with a custom long established, I meet you in joint session for the purpose of placing before you a statement respecting the administration of affairs in the Territory since the adjournment of the Eleventh Session of the Legislative Assembly, and to present for your consideration subjects requiring the attention of this body.

FINANCE AND TAXATION.

It is gratifying to be able to state that, in most respects, the affairs of the Territory are in a highly prosperous condition. This is especially so as regards the financial condition of the Territory. Notwithstanding the large reduction made in the rate of taxation by the last Legislature, the receipts have been largely in excess of the expenditures, and you begin your labors with the pleasant knowledge before you, that there is a large surplus in the Territorial Treasury. This fund has accumulated during the last two years, but by a strange disregard of the plainest and simplest rules of economy, the last Session of the Legislative Assembly refused to adopt any measure whereby any portion of this surplus could be utilized in lifting the burden of indebtedness, or a portion thereof, now being carried by the Territory. It is true that no part of the bonded indebtedness of the Territory matures prior to December 1,

1885, but some provision should have been made to invest our surplus funds in interest bearing bonds, or in a manner which would have insured the receipt of a sum, sufficient to meet a portion of the interest upon the public debt. This would have afforded relief of no mean dimensions. No act calculated to lessen the burden of taxation upon the people should ever be neglected by the Legislative power, and it is to be hoped that your deliberations upon this important subject, and all Legislation you enact in regard thereto, may be in the direction of lightening this burden. Taxation may be made so grievous a burden as to drive from us many who have settled in our midst, and also operate to keep others from seeking homes with us. The rate of taxation in a community like ours, has an important influence upon immigration; if the rate be low, it induces immigration; if high, the reverse is true.

At the date of the last returns to the Controller, the total assessed value of the real and personal property in the Territory amounted to \$9,108,450 05. This is the sum as returned on the original rolls, and does not include what are known as the "subsequent rolls". It is estimated these will largely augment the above sum. By this, it will be observed, there has been an increase of the value of the taxable property in the Territory during the past two years of over \$2,700,000.

The net receipts from all sources for the two years ending October 1, 1882, including balance on hand at date of last report, were \$118,638 39.

The disbursements for all purposes, including the payment of all outstanding warrants and several items of special expenses, authorized by the last Legislature, were \$76,821.42.

The estimated receipts for the quarter ending December 31, 1882, are \$30,000.

The estimated expenditures for the same period, are \$9,000.

From the foregoing statement it is reasonably certain that on the first of January next, there will be a surplus fund in the Treasury of not less than \$60,000. The judicious disposition of this sum will devolve upon this body, and the use to which

it should be put is a question requiring your earnest consideration.

The bonded indebtedness of the Territory amounts to \$69,248 60—divided as follows:

Bonds issued under act of 1875, due December 1, 1885, \$22,533.54.

Bonds issued under act of 1877, due December 1, 1891, \$46,715.06.

The excellent credit of the Territory and the high rate of interest these bonds are drawing, make them a desirable investment, and it is not likely the holders could be induced to part with them prior to the date when they mature, unless a very considerable premium should be offered. With the large surplus on hand it seems to me it is worth while to make an effort to cancel a portion of the bonded indebtedness of the Territory. I therefore suggest the wisdom of authorizing the Controller to purchase all of the bonds that the fund on hand will justify him in calling in, provided it can be done in a way to effect a reasonable saving to the Territory. In case of a failure to utilize the surplus fund in the above manner, provision should be adopted to dispose of it in a way which would result advantageously to the Territory. The creation of a sinking fund for the redemption of the bonds due December 1, 1885, would be an eminently proper disposition to make of a portion of this surplus. While it does not appear necessary for the Legislature to make provision for the redemption of the bonds due in 1891, still, I think it would be wise to provide a method whereby any surplus, which may hereafter accumulate in the Treasury, may be invested in a way to secure to the Territory a revenue therefrom. The balance of the surplus in the Treasury, after making provision for certain special purposes, should be used in the payment of current expenses for the next two years.

With this disposition of the surplus cash in the Treasury, it will still be possible to reduce the Territorial tax rate, without danger of a deficit occurring, but if the entire surplus be used for the purpose of paying current expenses for

the next two years, as suggested by the Controller, then the Territorial tax can be abolished entirely for that period of time, as the amount on hand, with the receipts from other sources, will be ample for the purpose.

I must again direct attention to the fact that no provision of law exists requiring county officers to report to the Controller the condition of affairs in respect to finances, debts, &c., in the various counties of the Territory. I urgently recommend that a law be passed requiring such reports to be made to the Controller each year, so that hereafter it may be possible to place before the Legislature a statement in regard to county affairs, which will enable that body to legislate intelligently in relation to local matters. Under present conditions this cannot be done.

Without going into details, I again urge the placing of restrictions upon the power to incur debt. The disposition in this direction, of county boards and other local authorities, should be curbed. No extraordinary expenditure should be permitted without the consent of those who are to bear the burden.

In concluding this topic, permit me to direct attention to the able and admirable report of the Territorial Controller herewith submitted. It is replete with valuable information, and wise suggestions which will greatly aid you in the performance of your duties.

In this connection, I urge a reasonable increase in the compensation of the Controller's office. In addition to the duties of that responsible and laborious trust, those of Superintendent of Public Instruction are imposed upon that officer; duties in themselves, if properly discharged, of great responsibility, and magnitude, and which he is compelled to perform gratis. It is neither wisdom nor good policy to underpay public servants, and I trust you may relieve the Territory from the stigma of being niggardly toward those who serve it ably and faithfully.

Herewith is submitted the Report of the Territorial Treasurer, containing a detailed exhibit of the receipts of and payments

made by that officer, together with a full statement of the Territorial debt.

COMMON SCHOOLS.

A subject of paramount importance, to which I would invite your attention, is the universal education of the people. I use the term "universal" because it too often occurs that the presence of higher institutions of learning, which may be attended by a privileged few, convey the impression of large educational facilities, while the great mass of the people enjoy comparatively no opportunities for instruction, even in the common branches of education.

The subject is so intimately connected with the intellectual and moral education of the individual, that in every free country it must especially engage the thought and energies of the wise and the good. But, as a measure of public policy—touching our system of government, its laws and institutions—the education of the people demands the most careful attention of the legislative power, and toward the attainment of this desirable end, the most liberal provision should be made. The nature and extent of the influence exerted by State instrumentalities, must depend in the main, on the thoughts, opinions and feeling of the people at large. The structure of our Government, resting as it does upon the broad basis of the popular will, must find the best assurance for its stability in an enlightened and healthy public opinion. In a Representative Government, such as ours, we know of no surer guaranty of the enactment of wise laws and their faithful administration, and no better defense for all the bulwarks of life, liberty and property, than the general diffusion of knowledge among the masses. With an intelligent constituency, thoroughly imbued with the spirit of republican institutions, well united as to all our material interests, and guided by enlightened views as to public wants and measures, our Legislative and Governmental policy must reflect the character of its origin. If the general welfare is endangered by the law-making power, there will be an eye to discover the signs of peril, an ear to catch the first sound of

alarm, and a hand to ward off the threatened attack. But, with this general spreading of knowledge and this enlightenment of public opinion, it is an agreeable reflection that the exercise of the legislative power will become less urgent, because the peace and order of society will surely derive increased aid from the force of individual self-restraint.

In the development of our wonderful agricultural and mineral resources, none of us need be admonished of the advantages accruing from educated labor. Under the hand of ignorant labor the most fertile soil fails to make its due return. The richest mineral deposits, without the assistance of science and skill, will slumber where nature placed them, or at least refuse to yield the full measure of their value. It is intelligent labor that causes the blade of grass to grow where it would not grow before. It is intelligent labor that enables the New England farmer, in a cold and rock bound region, to wring from reluctant nature the means of wealth and happiness. Let the mind co-operate with the hand and every department of industry will show augmented productiveness. This increased productiveness is but a synonym for wealth, which in turn brings new comforts and luxuries, and opens up fresh fields of activity and usefulness.

But, furthermore, the increase of our population must depend in a great degree upon the facilities we extend for acquiring an education, to those who would cast their lot among us. In removing to a new country, other things being equal, those contemplating such removal will give the preference to those localities which offer the best inducements in the line of educational advantages. No one will care to settle in a community where his children will grow up in ignorance. While we can not say that "ignorance is the curse of God," yet, as vice too often follows in its train, men of intelligence and moral worth will shun a state of society under its evil influence. While, therefore, it goes out to the world that nature has lavished upon us her choicest treasures, let it also be known that we are mindful of the claims of education, and that those who come

among us need have no fear that in so doing they are exchanging the light of knowledge for the darkness of ignorance.

We cannot be too deeply impressed with the truth, that the wealth of a State does not alone consist in its soil, nor in its mineral resources. The treasures of the intellect are to be drawn out and utilized, no less than those which lie hidden in the bowels of the earth. Fortunately, intellectual power is not the exclusive property of either the rich or the poor. No rank or condition of men enjoy a monopoly of the precious boon. Place the means of education within the reach of all classes, and it will be found that among those nurtured in toil, bright intellects appear, as well as among the more favored children of fortune. It is this great mine of wealth which we should make available for great and good ends. To accomplish this we must adopt those methods and appliances which, brought to bear upon the great body of the people, will most certainly bring out and develop high minded and intelligent men, men who will give character to the community in which they live, and who will become instrumental in promoting the general welfare.

Owing to delay in receiving reports from several of the counties, it will be impossible to incorporate in this communication, a detailed statement of the condition of the public schools throughout the Territory. Fortunately, however, the Report of the Superintendent of Public Instruction, which will be submitted herewith, will contain full and accurate information respecting the subject. To this report, and the many admirable recommendations, made by the Superintendent of Public Instruction, I invite your most considerate attention, especially to that feature of the Report which shows the importance and necessity for relieving the Territorial Controller of the duties of Superintendent of Instruction, as now imposed upon him by law. He is expected to perform these latter duties without compensation or emolument of any kind whatsoever. His authority and power are very limited, and, in fact, it may be truthfully said that it is the sort of supervision which supervises the least. If we expect to make rapid

and material advancement in educational matters, a radical change in the present mode of Territorial and county supervision must take place.

The splendid financial condition of the Territory, makes the present an opportune time for making these changes, and I urgently recommend the creation of a Department of Public Instruction, with adequate compensation provided for the Superintendent, and such changes and amendments in the present school laws as will insure that officer full power and authority to really supervise the school affairs and interests of the Territory. Some uniform system of county supervision should also follow a movement of this nature, so that there may be entire unity and harmony in all matters relating to the public school system of the Territory.

It would be inexcusable, were I to close this subject without reference to the substantial progress made in Boise and Lewiston cities in educational matters; in each of which places a graded school has been established, under authority conferred by the last session of the Legislature. In the former city, a building for this school has been erected which would be a credit to any community in the Union and which reflects great honor upon its originators, promoters and all who have burdened themselves by taxation to secure its erection. The building for the graded schools at Lewiston is not completed, but when it is I have no doubt it will be an honor to the city and all connected with the building and sustaining of it. In these two places there has been real, substantial progress in educational affairs, and I commend their example to other sections of the Territory.

As a fitting conclusion to my remarks upon this important topic, allow me to commend to your serious consideration, the words of Mr. Webster, in speaking of the new States of the West, and the education and instruction there needed: "These are the wide fields, and here is the deep and quick soil for the seeds of knowledge and virtue; and this is the favored season, the very spring time for sowing them: Let them be dissem-

inated without stint. Let them be scattered, with a bountiful hand, broadcast. Whatever the Government can fairly do toward these objects, in my opinion, ought to be done."

REVISED LAWS.

The last session of the Legislature authorized the Judiciary Committees of the two Houses to prepare the laws for revision by the present session, but made no provision to compensate those who were expected to undertake this onerous task, nor for the payment of the expenses incident to a work of this magnitude. The Territorial Secretary, presuming the work would be accomplished, made an estimate to cover the expense of printing several hundred copies of such revised edition of the laws. The amount was appropriated at the last session of Congress and is now available for the purpose.

It does not seem to me practicable for this body to accomplish this important work, even if every moment of the entire session should be devoted thereto. The revision of the laws is necessarily the work of the Legislative power, for no one will claim that this power can be delegated.

The present volume of the "Revised Laws of Idaho" is only such in name, for it never received the sanction of the Legislative power. It is valueless therefore, in the sense of being a revision of the laws up to the time it was issued, and it may be said to be almost equally valueless as a compilation, for the work was very imperfectly and crudely performed. As it does not seem practicable for this Legislature to perform the work of carefully revising the laws, and as it is of vast importance that this work should be done at an early day, I suggest the wisdom of this body creating a commission to prepare the laws for revision by your successors. Ample compensation should be provided so that first-class talent may be secured to perform this labor. In the meantime, however, the appropriation made by Congress for printing a revision of the laws will lapse, but it seems to me that there is no sense in printing another compilation of the laws, merely for the purpose of expending \$2,000 of the Government funds. We

should guard the expenditure of Government funds as carefully as we do those of the Territory. But the supply of the so-called revision of the statutes, printed in 1875, is entirely exhausted, and as that volume is the only one which contains certain of the laws now in force, several of the editions of the session laws of early years being wholly exhausted, it might be judicious, under the circumstances, to authorize a second edition of said volume. But it is doubtful whether any portion of the sum appropriated by Congress, to print a revision of the laws, could be used for that purpose.

SUPREME COURT REPORTS.

By an act of the Eleventh Session of the Legislative Assembly, Hon. H. E. Prickett was authorized to prepare and cause to be printed a volume of the decisions of the Supreme Court of this Territory. The performance of this duty required months of earnest, patient labor and research among musty records. In many instances it was discovered that the record in certain cases had been misplaced or lost, and it became necessary to hunt through newspaper files in order to obtain copies of the decisions in such cases.

Judge Prickett has performed the responsible work imposed upon him ably, carefully and accurately, for which he is entitled to the gratitude of all who appreciate the necessity of preserving in proper form the decisions of the highest Court in the Territory.

The volume of Idaho Reports, as prepared by him, contains the decisions of the Supreme Court from 1866 to 1880, inclusive.

Some permanent provision for the printing of the decisions of the Court should now be made. Probably the conferring of authority upon the Justices of the Supreme Court to prepare and print its decisions, whenever, in their judgment, it is necessary so to do, would be the best plan to adopt. All of the States and Territories, except Idaho, have made some provision for the regular publication of the decisions of their Supreme Courts, and it is due to the people of this Territory that they should be advised as quickly, and frequently as possible, of the

interpretation given to the by laws the Supreme Court of the Territory.

APPORIONMENT.

The apportionment for members of the Legislative Assembly made in 1880, under the provisions of an Act of Congress, is now manifestly unjust to several counties in the Territory, because under it, they cannot secure proper representation in the Legislature. That apportionment was made upon the basis of population as returned by the last census, and while, at the time, it was a just distribution of representation to the several counties, it is evident from a study of the returns of the last general election, that there have been great changes in the relative population of many of the counties. As an example of this Alturas county, which in 1880 had a population of 1693 souls, at the election in November last, polled over 3,000 votes.

This certainly shows a very large increase in the population of that county, and it is safe to assume, that it is now one of, if not the most populous county in the Territory. There have been other changes equally surprising, notably in Northern Idaho, and in no county of the Territory does the vote indicate that there has been any material decrease in population. The apportionment made by this body will naturally be based upon the votes polled at the last general election, but the fact must be kept in view, that representation in the Legislature must be founded upon population, in order to be just, fair and equitable at all times. I therefore hope you will keep this fact before you, and in apportioning representation in the next Session of the Legislative Assembly, you may be duly mindful of the interests of those constituencies which are certain to be of the most stable and permanent character.

IMMIGRATION.

The necessity of some step to attract immigration became manifest to the last Legislature, and a commendable beginning was made in that direction during the Session.

Authority was conferred upon the Governor to contract with Robert E. Strahorn, of Denver, Colorado, for the publication

of a work on the resources and industries of the Territory. By virtue of this authority, I contracted with Mr. Strahorn for the publication of a pamphlet of more than eighty pages, devoted to an account of the mining, agricultural and grazing resources, and a description of the soil, climate and scenery of the Territory, together with statistics showing its financial condition, and health and mortuary reports respecting the same.

The work was completed in a satisfactory manner, and our attractions presented to the world in a highly entertaining and generally accurate form. There were 20,000 copies of the pamphlet printed and circulated at the expense of the Territory, and in addition, the Union Pacific Railway Company published and circulated 20,000 copies at its own expense. This work has been widely circulated throughout this country and Europe, but there being no provision authorizing the printing of the pamphlet in any other than the English language, it has not been of much value to the Territory, excepting in communities speaking that language. It is reasonably certain, however, that this pamphlet has done much in spreading broadcast a knowledge of our wonderful resources, and it now remains for the Territory to reap the advantage which may accrue to it from this venture.

As the best method of doing this I recommend the establishment of a Bureau of Immigration and Information, under proper regulations, with ample means provided to assure its entire success.

ELECTION LAWS.

The laws regulating and governing elections are by no means perfect. There are avenues open for the perpetration of frauds, through which the will of the people may be defeated. I cannot now undertake to specify every defect, but shall simply refer to one, which I think ought to be remedied. The power and duties of Canvassing Boards should be more specifically defined, so that the intention of the law, in respect thereto, may be clearly understood. No door should be left open whereby members of Canvassing Boards may throw out a sufficient numbre

of votes to change the result of an election, and thus, by arbitrary methods, defeat the will of the people. It not infrequently happens, that members of Canvassing Boards are candidates for re-election, or for some other office, and instances have occurred when this fact has influenced such officers to refuse to count, or canvass the votes of certain precincts, in order to make certain their own election. The law, in this respect, should be so framed, that flagrant wrongs of this nature could not be perpetrated, and severe penalties should be provided for all who attempt to change the result of an election, in this, or any other manner.

In the older States and communities, experience has demonstrated, that the best means for securing the purity of the ballot box is by requiring a registration of voters prior to the date fixed for the elections. Of course the stringent rules and regulations necessary in the populous States and crowded cities of the East, would operate in a sparsely settled community like ours, as a hardship; but the adoption of a liberal registry law in my judgment, would be a wise movement, and I respectfully recommend the passage of a law requiring a registration of voters prior to each general election.

The time for holding our general elections is fixed by the Organic Act for the first Tuesday following the first Monday in November.

There is a desire, in some localities, especially in the mountain regions, to have the general election occur earlier in the season. Generally speaking, November is a pleasant month throughout the entire Territory, but sometimes severe storms prevail in the higher altitudes, early in the month, rendering it a matter of great difficulty and often an impossibility, for those living and working in the mountains, to exercise the right of suffrage. If it is thought best to have our general election held earlier in the year, Congress must be asked to make the change.

RAILROADS.

A few years ago it did not seem probable that one great

transcontinental railway line would be completed across the Territory, and that a second would be making rapid progress across Idaho; but to-day these things are facts which we view with profound satisfaction.

With these means of communication we can no longer feel that we are an isolated and unknown community, but with access so easy, we are confident that we must soon become well and favorably known.

Moreover, with such facilities for cheap transportation, it is confidently expected that all of our varied interests, and important industries, will flourish and prosper as never before in the history of the Territory.

But few of the States or Territories can boast of being as favorably situated as Idaho—upon the highway of two great transcontinental railway lines stretching from ocean to ocean, and joining, as it were, with bands of steel the occident and the orient.

I do not advocate the granting of subsidies to railway or other corporations, nor, so far as I am aware, do the railway companies demand any special privileges or exemptions. These enterprises, however, will greatly aid in developing the resources, and in promoting the prosperity of the Territory, and they should receive every legitimate encouragement that it is proper for the Legislature to extend.

The general incorporation laws of this Territory are not adapted to encourage railroad building. They were not adopted with the view that railroad building would ever become a feature of prominence in Idaho. Without enumerating all the defects in said laws in this respect, I will simply say, that those laws contain provisions which operate to preclude the incorporating of railroad companies under them. I therefore, urge upon you the adoption, at the earliest moment practicable, of a general railroad incorporation act.

DENVER EXPOSITION.

The National Mining Exposition, held at Denver during the months of August and September, 1882, is now universally

admitted to have been one of the greatest industrial expositions ever held. Being the first of its kind in the United States, it naturally attracted great attention. It being the first opportunity to display the mineral resources of the great West in a fitting manner, it was essential that Idaho should not be behind her neighbors, so far as circumstances would permit, in the nature and extent of her display. While the obstacles encountered by our Territory were probably greater than those of any other region represented, it is a cause of congratulation that the showing made by Idaho, though necessarily limited, was such as to attract much attention from mining circles. The effect upon the development of our mineral resources cannot be over estimated, and is already apparent in the increased interest manifested by capitalists in our mineral productions.

After the close of the Exposition, in obedience to urgent requests from the representatives of different sections, many of the specimens were exchanged and distributed among mining men and capitalists, others returned to the owners, a portion sold and the remainder left, subject to the order of the owners, or on permanent exhibition. The small portion that was sold netted the Commissioners \$350, which was credited to the Territory on account of necessary expenses. Although the exposition of the ores from this Territory was managed as economically as possible, without reflecting actual discredit upon the Territory, the necessary and legitimate expenses attendant thereon were probably not less than \$1,000, exclusive of the time and labor of the Commissioners themselves. In the absence of any legal authority on the part of the Territory, or the Counties, to meet these expenses, the money necessary was advanced from private means. As the results arising therefrom accrue to the benefit of the Territory at large, it would seem but simple justice that the time and labor expended, and the amounts so advanced, should be recognized by this Legislature, and some provision be made to reimburse those who so generously and disinterestedly contributed to make our display a success.

As the Mining Exposition bids fair to become a permanent feature, I would also recommend that some provision be made to meet the expenses in the future.

I earnestly recommend that an appropriation be made to reimburse those who contributed toward defraying the expense incurred in making the Territorial display and also to compensate those who so ably, honorably and faithfully represented the Territory as Commissioners at the Exposition. Each of the Commissioners gave their time and labor without remuneration whatsoever, and largely paid their own expenses.

AGRICULTURE AND MINING.

Within our borders there is a large agricultural area—delightful valleys, scattered over the Territory, and sunny plains stretching out in all directions—containing, in the aggregate many millions of acres of as fertile land as can be found in any State or Territory of the Union.

In these pleasant valleys, and on these sunlit plains, the honorable pursuits of agriculture can be, and are being followed, with the most gratifying results. No country in the world produces finer grain, or grows more delicious fruit than Idaho.

Every inducement that it is possible for the legislative power to hold out to those who engage in these commendable pursuits should be extended, for a large and prosperous agricultural community is an essential element toward our becoming, and remaining an influential member of the sisterhood of States. No interest is of more paramount importance, and I bespeak for it such aid as you can properly extend.

But, while there is ample scope within our boundaries for great numbers to successfully engage in the pursuits of agriculture, mining is at present, and must continue to be for many years, our chief industry.

In a few years after the organization of the Territory, Idaho added to the wealth of the country nearly \$75,000,000 in the precious metals, mostly of gold from the placer mines. This was accomplished, too, under the most uninviting and unpropitious state of affairs.

In those days Idaho was inhabited almost exclusively by unfriendly Indian tribes, who waged merciless warfare against the invasion of their domain by the whites. This made prospecting and mining hazardous, and those who did so took their lives in their hands, moving about armed and equipped as for war.

The immense yield of Idaho, heretofore noted, with the most favorable circumstances, would be surprising, but, that it was accomplished under the conditions named, gives it the appearance of the marvelous.

The practical working out of the "virgin ground" of the rich placer claims caused a falling off in Idaho's output, and for several years there was a steady decline in the amount produced.

In early days but little attention was given to quartz mining, though the existence of valuable ledges was known. But the decline in placer mining caused attention to turn to this feature of our resources, and while it must be said that development has been slow, and the output meager, as compared with the richness and extent of the discoveries made, still, enough has been accomplished to demonstrate the fact that our resources in this line are far more extensive than they were in placer deposits.

Heretofore the successful operation of the richest quartz ledges only has been practicable, the expense of transporting the heavy machinery, and the mills required for working and milling the ores, rendering it impossible to work a large majority of the mines at a profit. But, with the completion of the lines of railway, now building and projected, our facilities for economical mining, will be equal to those of any other section of the country; and then, I feel confident, our annual bullion product will soon rival, if not surpass, the highest figure reached in any year of the early history of the Territory.

The fostering of this great industry should be the work of the Legislature. The rights of prospectors and miners, the extent and dimension of claims, together with the controversies

likely to arise among adverse claimants, are fixed and determined by the general mining laws of the United States, and the decisions of the Courts thereon; but it is left to local Legislatures to adopt measures regulating the locating, recording and holding of claims. These should be of the most liberal character, so as to invite prospecting, and the aid of capital towards the development of the mines discovered.

But one suggestion now occurs to me, in regard to legislation upon this subject. No mining camp ever escapes injury from "claim jumpers," and there have been instances where this class of scoundrels have worked irreparable injury to an entire mining district. Usually the "jumper" is an irresponsible scamp, but not infrequently, wealth and capital stand behind him. I trust you may find some adequate remedy for this evil, by the enactment of a measure which will make the practice so obnoxious and dangerous, that men of means will find it impossible to secure the services of any one for such unworthy purposes. If you can do this, Idaho will become the paradise of honest prospectors and miners, and capital will feel so assured of freedom from annoyance, that it will flow in rapidly to assist in developing our mineral resources.

POLYGAMY.

Among the numerous subjects discussed in my first biennial message, was that of Polygamous Mormonism; but my recommendations in regard to the suppression of this evil were not heeded by your predecessors. That it was of transcendent importance that some step should be taken in this direction, I endeavored to make clear, by pointing out the dangers to be apprehended from the encroachments of this obnoxious institution. I then believed the evil to be a dangerous and formidable one, and undertook to show how it was reaching out in all directions, with the avowed purpose of seizing political power in this country—made plain, I thought, the fact that its strides toward the attainment of that end in Idaho, were altogether too rapid, and too near realization, to justify us in longer ignoring the situation. But, as potent as I then depicted this

unseemly power, the sequel proved that I had underrated its strength. The adjournment of the 11th session of the Legislative Assembly, without the adoption of a single measure to suppress polygamy, proved conclusively, to my mind, that it was able to dominate that body, in so far, at least, as to prevent the passage of laws prejudicial to the practice.

It is true there were honorable members of that body who introduced and endeavored to press the passage of bills designed to suppress the evil, but the majority suppressed all such attempts, and allowed all measures of the kind to die an ignominious death—to be strangled in committee—while polygamy, clothed in the unlovely smirch of an “endowment robe,” was permitted to strut defiantly before the people, not only unhampered by a single act calculated to make the practice a dangerous one, but even encouraged on the plea that it was a religious ordinance.

Once more it becomes my solemn duty to warn the Legislative power against further toleration of a practice so fraught with woe to all that we, as Americans, hold dear; for I feel certain that the complete realization of the scheme of the Mormon priesthood, means the entire subversion of all those rights and privileges enjoyed under our free institutions. There can be no true life, no genuine liberty, no real happiness, under a system which compels implicit obedience in temporal affairs, to the mandates of bigoted priests. There can be no general enlightenment of the people in a system which, instead of the beneficent free schools, instituted by the fathers, would substitute therefor, schools wherein priests teach the youthful mind to love and obey the doctrines of polygamy, blood atonement, and others equally as objectionable. There can be no true homes in a system which introduces polygamy into the family. It robs home of its name in every sacred sense of the word. Before such an intrusion, peace, dignity, honor and love must flee. Harems cannot be substituted for homes with any assurance that society will be improved by the change.

If the doctrine of polygamy were to be universally accepted

and practiced, history would simply repeat its-self; women would be sold from the auction block, and men would fall to the level of the brute. Let us move onward with the march of civilization, taking no steps backward to toy and dally with the worst of barbarous relics.

If the Mormon church cannot survive the loss of this criminal practice, it deserves to perish from the face of the earth, for that which is builded on no surer, nobler foundation than mere lust, has no right to exist.

The people of Idaho have recently given expression to their wishes upon this subject, and I rejoice in the knowledge that their sentiments accord with my own. My faith in the honor and integrity of the people of Idaho has never wavered. I have always believed, that upon the first opportunity presented they would give indisputable evidence of their love for the genius of our institutions, which is justice, and unmistakable proof of their reverence for the only religious establishment that Americans recognize, which is right conduct. The verdict returned in the recent election shows that my confidence in the people was not misplaced. Their will has been registered. They demand the complete extirpation of polygamy within our borders. You are here to give effect to their mandate, and it is with infinite satisfaction that I now suggest the adoption of some such measures as the following:

That the law of evidence be so framed that no person shall be excluded from testifying, in any proceeding in prosecution for polygamy, on account of marriage relations with defendant; that co-habitation with more than one wife, constitutes a continuous offence, and that to preach in favor of the doctrine of polygamy, or publicly or privately to advise, counsel or encourage others to commit polygamy, or knowingly to aid or assist others to enter into polygamous relations, be made a crime punishable as severely as the crime of polygamy itself, and that Congress be memorialized to amend the present anti-polygamy laws, to the end that the now well recognized defects in the same, may be remedied, so as to render possible the con-

viction of the guilty, by giving United States and Territorial Courts co-ordinate jurisdiction.

All legislation in regard to this crime, Congressional as well as Territorial, should be of the most radical and sweeping nature, for the evil cannot be cured by measures of a lenient or temporizing character.

I also desire to direct attention to an act of the last session of Congress, known as the "Edmund's Bill." By that act all polygamists are disfranchised and disqualified for office; but the machinery for enforcing the provisions of the law apply to Utah only. It is no exaggeration to say that in two or more counties in this Territory, polygamists vote and hold office precisely as though no such law was upon the statute books. This is a state of affairs which requires a remedy at your hands.

CONCLUSION.

There are several subjects of interest, mention of which I am compelled to omit at this time, owing to the already unusual length of this communication, and for the further reason, that I am not now in possession of all the information required to discuss them intelligently, but I shall take the liberty of presenting, later in the Session, by special message, my views upon these, and other matters, which I may deem proper for your consideration.

It affords me pleasure to welcome you to the Capital City, whose generous and hospitable people will, I am sure, make your stay pleasant and agreeable.

It is my earnest wish, as a co-ordinate branch of the legislative power, to co-operate with you in securing the adoption of needed legislation; to assist in your efforts to right such wrongs as may exist, and to aid you in exterminating those evils which are a stigma upon our name.

It is my ambition to devote my best energies and abilities to the work of advancing the prosperity of the Territory, and promoting the welfare of its people, who have, at all times, and upon all occasions, given me the most unmistakable evi-

dence of their respect, esteem and confidence. By unselfish and unswerving devotion to their interests, I can best give substantial proof that their commendation is the highest reward which could be bestowed upon me.

J. B. NEIL,
Governor.

EXECUTIVE DEPARTMENT,
BOISE CITY, Idaho, December 11, 1882.